

and report same back to the Senate with the recommendation that it do not pass.

THOMAS, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 371, A bill to be entitled "An Act to amend Article 5904 of Chapter 1, Title 93, of the Revised Statutes of the State of Texas, so as to include all lands owned or acquired by the State, either by gift, grant, donation, or purchase."

Have had same under consideration and report same back to the Senate with the recommendation that it do pass and be printed in the Senate Journal.

THOMAS, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.

Hon. T. W. Davidson President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 71, A bill to be entitled "An Act to validate certain sales of certain public free school lands sold to purchasers by the State on September 22, 1905, January 8, 1906, and September 5, 1907, and declaring an emergency."

Have had same under consideration and report same back to the Senate with the recommendation that it do pass and be printed in the Senate Journal.

THOMAS, Chairman.

FORTIETH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, March 6, 1923.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem R. M. Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Burkett.
Baugh.	Clark.
Bledsoe.	Cousins.
Bowers.	Darwin.

Davis.	Rice.
Doyle.	Ridgeway.
Dudley.	Strong.
Fairchild.	Stuart.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.
Pollard.	

Absent—Excused.

Rogers.

Thomas.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Thomas for today and tomorrow on account of important business on motion of Senator Bailey.

Bills and Resolutions.

By Senator Wood:

S. B. No. 427, A bill to be entitled "An Act continuing the work of the State Reclamation Engineer in connection with the defense and prosecution of suits affecting the boundaries of the State of Texas, authorizing the marking of such boundaries, making an emergency appropriation of ten thousand dollars (\$10,000.00) therefor, and declaring an emergency. Read first time and referred to Committee on Finance."

By Senator Clark:

S. B. No. 428, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its regular session, fixing the time for holding court in the Twenty-second Judicial District, and changing the time of holding the district courts in Austin, Hays and Caldwell Counties, and providing an extra term of court each year for the counties of Hays and Caldwell; to repeal all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

S. B. 422.—Motion to Recommit

Senator Fairchild moved to reconsider the vote by which the Senate on yesterday refused to recommit S. B. No. 422 to the Committee on State Affairs.

Senator Witt moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—10.

Baugh.	Stuart.
Burkett.	Watts.
Dudlev.	Wirtz.
Floyd.	Witt.
Pollard.	Wood.

Nays—14.

Bailey.	Holbrook.
Bledsoe.	Lewis.
Bowers.	Murphy.
Clark.	Parr.
Davis.	Rice.
Doyle.	Strong.
Fairchild.	Turner.

Absent.

Cousins.	Ridgeway.
Darwin.	Woods.
McMillin.	

Absent—Excused.

Rogers.	Thomas.
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The motion to reconsider then prevailed.

Question then recurred on the motion to recommit the bill to the Committee on State Affairs.

On motion of Senator Fairchild, the motion to recommit was laid on the table subject to call.

H. B. No. 12 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 12, A bill to be entitled "An Act to provide revenue for the support of the public free schools of Texas, and to levy a tax of two cents per gallon on all gasoline sold in the State of Texas for the support of the public free schools of Texas, and declaring an emergency."

The bill was read second time, and on motion of Senator Davis, was laid on the table subject to call.

Executive Session.

The Chair here announced that the time set by the Senate, 9:30 a. m., for consideration of nominations by the Governor, had arrived.

The Senate then resolved itself into executive session.

In the Senate.

In executive session the confirmation of the following appointment was reported to the Journal Clerk by the Secretary:

Mrs. Charles DeGroff of El Paso, Texas, member of board of directors, Texas Technological College.

S. B. No. 227 on Second Reading.

The Chair laid before the Senate as special order, on its second reading,

S. B. No. 227, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Thirty-fifth Legislature, as amended by Section 2 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 1, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature, providing for and increasing the annual license fees on motor vehicles; providing for applications for registration; providing for annual license fees for trailers and semi-trailers and tractors; providing penalties for failure to comply with provisions of this Act; providing certain described vehicles shall not be licensed or operated on public roads; providing for exemptions and special permits; amending Section 3 of Chapter 73 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 4, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relating to disposition of fees collected hereunder; providing for maintenance by the state and declaring increased fees, primarily a trust fund for such maintenance; providing that in event any section or provision of this Act shall be held unconstitutional the

same shall not affect any other section or provision; and repealing all laws in conflict with this Act."

The bill was read second time.

Senator Fairchild raised a point of order on consideration of the bill, on the ground that it is a revenue measure, and all revenue measures must originate in the House.

The Chair (Senator Dudley) sustained the point of order.

H. B. No. 151 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 151, A bill to be entitled "An Act to amend Articles 7407, 7409, 7414, 7415 and 7416 of the Revised Civil Statutes of the State of Texas of 1911, relative to the taxation of the intangible assets of certain corporations, associations and individuals, and providing for the creation of a State tax board for the valuation of such intangible assets and for the distribution of said values for the assessment of said assets, and the levy and collection of taxes thereon; and to provide for the repeal of all laws and parts of laws levying taxes upon the gross incomes of corporations, associations and individuals affected by the provisions thereof, so that as by this Act amended said articles shall provide that other and additional individuals, corporations, companies and associations be included and made subject to the provisions thereof; fixing the salary of the tax commissioner, and declaring an emergency."

The bill was read second time.

Senator Wirtz moved that the minority committee report that the bill do pass be adopted.

Yeas and nays were demanded, and the motion to adopt the minority report was lost by the following vote:

Yeas—8.

Baugh.	Pollard.
Bowers.	Turner.
Fairchild.	Wirtz.
Lewis.	Wood.

Nays—18.

Bailey.	Davis.
Burkett.	Doyle.
Clark.	Dudley.
Cousins.	Floyd.

Holbrook.	Strong.
Murphy.	Stuart.
Parr.	Watts.
Rice.	Witt.
Ridgeway.	Woods.

Absent.

McMillin.

Absent—Excused.

Rogers.	Thomas.
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(Pair Recorded.)

Senator Bledsoe (present), who would vote "yea"; with Senator Darwin (absent), who would vote "nay."

Senator Davis moved to adopt the majority report that the bill do not pass.

Yeas and nays were demanded, and the majority report was adopted by the following vote:

Yeas—18.

Bailey.	Murphy.
Burkett.	Parr.
Clark.	Rice.
Cousins.	Ridgeway.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Watts.
Floyd.	Witt.
Holbrook.	Woods.

Nays—8.

Baugh.	Pollard.
Bowers.	Turner.
Fairchild.	Wirtz.
Lewis.	Wood.

Absent.

McMillin.

Absent—Excused.

Rogers.	Thomas.
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(Pair Recorded.)

Senator Bledsoe (present), who would vote "nay;" with Senator Darwin (absent), who would vote "yea."

S. B. No. 422.—Recommitted.

Senator Fairchild called up from the table the motion to recommit Senate Bill No. 422 to the Committee on State Affairs.

Senator Bailey moved that the bill be recommitted to the Committee on State Affairs with instructions to report their

action back to the Senate immediately after the chaplain's prayer tomorrow, and that the bill be printed in today's Journal.

The substitute motion prevailed.

H. B. No. 328 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 328, A bill to be entitled "An Act to repeal Article 7383a as enacted by the Thirty-sixth Legislature, relating to occupation taxes based upon gross receipts and adding in lieu thereof a new Article 7383a providing an occupation tax on sulphur produced in the State of Texas by individuals, companies, corporations and associations; providing that in the event of either or a part of article be held unconstitutional by the courts it shall not invalidate the remainder of said article, and declaring an emergency."

The bill was read second time, the bill having been reported adversely with favorable minority report.

Question: Shall the minority report recommending that the bill do pass be adopted?

Executive Session.—Time Set.

Senator Bailey moved that an executive session of the Senate be held next Tuesday, at 3 o'clock p. m., for the purpose of considering the Governor's nominations for notaries public, and such other nominations as may be submitted or have been submitted by the Governor.

The motion prevailed.

Recess.

On motion of Senator Pollard, the Senate at 12:05 p. m. recessed until 2 p. m. today.

Afternoon Session.

The Senate met at 2 p. m. and was called to order by President Pro Tem Dudley.

H. B. No. 247—Re-Referred.

Senator Pollard moved that H. B. No. 247 reported adversely by the Committee on Educational Affairs,

be re-referred to the Committee on Stock and Stock Raising.

On motion of Senator Parr, H. B. No. 247 was re-referred to the Committee on Judicial Districts.

S. B. No. 136—Request of House Granted.

Senator McMillin moved that the request of the House asking for the return of H. B. No. 136 for correction, be granted.

The motion prevailed.

H. B. No. 328 on Passage to Third Reading.

The Chair laid before the Senate as pending business, on its passage to third reading, H. B. No. 328, relating to levying tax upon sulphur, with question of adoption of minority committee report recommending that the bill do pass, pending.

The minority report was adopted.

Senator Wirtz offered the following amendment to the bill:

Amend Section 1. of H. B. No. 328, to read as follows:

Each and every individual, company, corporation or association, whether incorporated under the laws of this State, or of any other State or territory of the United States, or any foreign country, which owns, controls, manages or leases any sulphur mines in this State, shall make quarterly, on or before the twentieth day of January, April, July and October of each year, a report to the Comptroller of Public Accounts under oath of the individual, or of the president, treasurer, superintendent or manager of such company, corporation or association, showing the total amount of sulphur produced in tons of 2240 pounds each, during the quarter ending on the first day of January, April, July and October next preceding the date of such report. Such individuals, companies, corporations and associations at the time of the making of such report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter covered by such report, of ten cents per ton for each ton of 2240 pounds, so produced, as shown by said report.

Senator Stuart moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Baugh.	McMillin.
Bowers.	Murphy.
Burkett.	Parr.
Darwin.	Rice.
Doyle.	Ridgeway.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Witt.
Lewis.	

Nays—10.

Bledsoe.	Strong.
Cousins.	Watts.
Davis.	Wirtz.
Holbrook.	Wood.
Pollard.	Woods.

Absent.

Bailey.

Absent—Excused.

Clark.	Thomas.
Rogers.	

Senator Baugh offered the following amendment to the bill:

Amend H. B. No. 328, as printed, page 4, line 5, by striking out the word and figures 1% and insert in lieu thereof the word and figures 2%.

Senator Pollard moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14.

Bailey.	Murphy.
Bledsoe.	Pollard.
Cousins.	Strong.
Davis.	Watts.
Doyle.	Wirtz.
Fairchild.	Wood.
Holbrook.	Woods.

Nays—14.

Baugh.	McMillin.
Bowers.	Parr.
Burkett.	Rice.
Darwin.	Ridgeway.
Dudley.	Stuart.
Floyd.	Turner.
Lewis.	Witt.

Absent—Excused.

Clark.	Thomas.
Rogers.	

Question then recurred on the amendment.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—15.

Baugh.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Stuart.
Dudley.	Turner.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	

Nays—13.

Bailey.	Murphy.
Bledsoe.	Pollard.
Cousins.	Strong.
Davis.	Watts.
Doyle.	Wirtz.
Fairchild.	Woods.
Holbrook.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

Senator Bailey offered the following amendment to the bill:

Amend H. B. No. 328 by striking out in line 22, page 2, of the printed bill, the words "to mean" and inserting in lieu thereof the words "shall include and apply to".

The amendment was adopted.

Senator Burkett offered the following amendments to the bill:

(1)

Amend H. B. No. 328, page 2, lines 4 and 15, by adding after the word "sulphur" the words "asphalt or rock asphalt".

(2)

Amend caption of H. B. No. 328, line 22, by adding after the word "sulphur" the words "asphalt or rock asphalt".

The amendments were adopted.

Question then recurred on the passage of the bill to third reading.

Yeas and nays were demanded, and the bill was passed to third reading by the following vote:

Yeas—16.

Baugh.	McMillin.
Bowers.	Parr.
Burkett.	Rice.
Darwin.	Ridgeway.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Witt.
Lewis.	Wood.

Nays—11.

Bailey.	Davis.
Bledsoe.	Doyle.
Cousins.	Holbrook.

Murphy.	Watts.
Pollard.	Wirtz
Strong	

Present—Not Voting.

Woods.

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 151—Vote Reconsidered.

By Senator Strong.

I move that the Senate request the House to return H. B. No. 151 and that the Senate reconsider the vote by which the minority report failed to be adopted and the majority report was adopted.

Senator Bailey moved the previous question on the motion and the main question was ordered.

Yeas and nays were demanded, and the motion was adopted by the following vote:

Yeas—15.

Baugh.	McMillin.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Strong.
Cousins.	Turner.
Fairchild.	Wirtz.
Holbrook.	Wood.
Lewis.	

Nays—13.

Bailey.	Parr.
Darwin.	Ridgeway.
Davis.	Stuart.
Doyle.	Watts.
Dudley.	Witt.
Floyd.	Woods.
Murphy.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

H. B. No. 328—Vote Reconsidered.

Senator Burkett moved to reconsider the vote by which H. B. No. 328 was passed to third reading.

Yeas and nays were demanded, and the motion was adopted by the following vote:

Yeas—17.

Bailey.	Cousins.
Bledsoe.	Davis.
Burkett.	Doyle.

Fairchild.	Strong.
Holbrook.	Watts.
Lewis.	Wirtz.
Murphy.	Wood.
Pollard.	Woods.
Ridgeway.	

Nays—11.

Baugh.	Parr.
Bowers.	Rice.
Darwin.	Stuart.
Dudley.	Turner.
Floyd.	Witt.
McMillin.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

Senator Burkett moved to reconsider the vote by which the amendment by Senator Baugh was adopted.

Yeas and nays were demanded, and the motion to reconsider was adopted by the following vote:

Yeas—16.

Bailey.	Murphy.
Bledsoe.	Pollard.
Burkett.	Ridgeway.
Cousins.	Strong.
Davis.	Watts.
Doyle.	Wirtz.
Fairchild.	Wood.
Holbrook.	Woods.

Nays—11.

Baugh.	Parr.
Bowers.	Rice.
Darwin.	Stuart.
Dudley.	Turner.
Lewis.	Witt.
McMillin.	

Present—Not Voting.

Floyd.

Absent—Excused.

Clark.	Thomas.
Rogers.	

Question: Shall the amendment by Senator Baugh be adopted?

Senator Bailey moved to table the amendment.

Yeas and nays were demanded, and the amendment was tabled by the following vote:

Yeas—15.

Bailey.	Cousins.
Bledsoe.	Davis.
Burkett.	Doyle.

Holbrook.
Murphy.
Pollard.
Ridgeway.
Strong.

Watts.
Wirtz.
Wood.
Woods.

Nays—12.

Baugh. McMillin.
Bowers. Parr.
Darwin. Rice.
Dudley. Stuart.
Floyd. Turner.
Lewis. Witt.

Absent—Excused.

Clark. Rogers.
Fairchild. Thomas.

Senator Wood offered the following amendment to the bill:

Amend H. B. No. 328 by inserting one and one-half (1½%) per cent where one (1%) per cent appears

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—14.

Baugh. McMillin.
Bowers. Parr.
Darwin. Rice.
Dudley. Stuart.
Fairchild. Turner.
Floyd. Witt.
Lewis. Wood.

Nays—14.

Bailey. Murphy.
Bledsoe. Pollard.
Burkett. Ridgeway.
Cousins. Strong.
Davis. Watts.
Doyle. Wirtz.
Holbrook. Woods.

Absent—Excused.

Clark. Thomas.
Rogers.

The bill was then passed to third reading.

H. B. No. 328 on Third Reading.

Senator Pollard moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that H. B. No. 328 be put upon its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—18.

Bailey. Pollard.
Bledsoe. Ridgeway.
Bowers. Strong.
Burkett. Stuart.
Cousins. Watts.
Davis. Wirtz.
Dudley. Witt.
Fairchild. Wood.
Holbrook. Woods.

Nays—10.

Baugh. McMillin.
Darwin. Murphy.
Doyle. Parr.
Floyd. Rice.
Lewis. Turner.

Absent—Excused.

Clark. Thomas.
Rogers.

H. B. No. 361 on Second Reading.

The Chair laid before the Senate H. B. No. 361, A bill to be entitled "An Act to amend Section 16, of Chapter 190, of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Section 2, of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature as amended by Section —, Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 131, of the General Laws of the Regular Session of the Thirty-seventh Legislature, as amended by Chapter 52, of the General Laws of the First Called Session of the Thirty-seventh Legislature, providing for, and increasing the annual license fees on motor vehicles; providing for applications for registration; providing for animal license fees for trailers and semi-trailers and tractors; providing penalties for failure to comply with the provisions of this Act; providing certain described vehicles shall not be licensed or operated on public roads; providing for exceptions and special permits; amending Section 3, of Chapter 73, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Section 4, Chapter 113, of the General Laws of the Regular Session of the Thirty-sixth Legislature relating to disposition of fees collected hereunder; providing

for maintenance by the State and declaring increased fees: primarily a trust fund for such maintenance; providing that in event any section or provision of this Act shall be held unconstitutional, the same shall not effect any other section or provision; and repealing all laws in conflict with this Act."

The bill was read second time.

Senator Burkett offered the following amendment to the bill:

Amend the amendment to H. B. No. 361 by striking out Section 20 and inserting in lieu thereof the following:

"Section 20. On and after January 1, 1924, the Highway Commission shall and is hereby authorized to take over and maintain the various highways designated as "State Highways" in the several counties of Texas and the proceeds from the automobile registration fees herein provided for and set aside to the State highway fund shall be deposited in the State Treasury to the credit of said fund and said fund shall be available for the maintenance of said designated State highways under the direction and control of the State Highway Commission and shall be used in maintaining such highways and shall not be diverted to any other use by said Highway Commission until all such roads are properly maintained, unless said Highway Commission should be without sufficient funds from other available source to meet Federal aid to roads in Texas and road construction is thereby in danger; and, in event said Highway Commission finds such a condition, then said Highway Commission is authorized, by spreading upon its minutes a resolution to transfer a sufficient amount from this fund to match said Federal aid.

The counties through which said highways pass shall be free from any cost, expense or supervision of such highways and the counties shall be authorized to use the seventeen and one-half cents (17½c) horsepower tax apportioned to them by this Act on any county roads that might be necessary or expedient."

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 361 by re-numbering the following sections to the bill, 22, 23, 24, 25 and 26, to read: 21, 22, 23, 24 and 25.

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend H. B. No. 361, as amended, page 12, immediately after Section 24, by adding a new section designated as Section 24a as follows:

Section 24a. It is expressly understood, however, that the funds, or any part thereof, derived under the provisions of this bill shall not be appropriated for nor used upon any road, highway or project constructed in whole or in part with Federal aid.

Senator Wood moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Baugh.	Pollard.
Bledsoe.	Ridgeway.
Burkett.	Strong.
Dudley.	Stuart.
Floyd.	Turner.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	

Nays—11.

Bailey.	Fairchild.
Bowers.	Parr.
Ccusins.	Rice.
Darwin.	Watts.
Davis.	Woods.
Doyle.	

Absent—Excused.

Clark.	Thomas.
Rogers.	

Senator Murphy offered the following amendment to the bill:

Amend H. B. No. 361 by adding a new section to be known as 16q: "No motor vehicle license shall be issued to the owner of an automobile, truck or tractor unless the owner shall have or exhibit the tax receipt showing the payment of all ad valorem taxes, due the city, town, State and county for the previous year or make proof thereof."

Senator Ridgeway offered the following substitute for the amendment:

Amend H. B. No. 361, after the word "applicant" in Section 16a, on page 4, line 4, of the printed bill, by adding a comma and the following words, "and in addition thereto it shall be shown to such tax collector by the presentation of tax receipts

or certificates or other satisfactory evidence that all ad valorem taxes upon such motor vehicle, tractor, trailer, semi-trailer or motorcycle, that may be due thereon to the State of Texas, or to any city, town or county in this State have been paid. No charge shall be made by any tax collector for issuance of any certificate showing that such taxes have been paid."

Senator Fairchild moved that further consideration of the bill be postponed until after the morning call tomorrow, and that the bill be then considered section by section.

Senator Wood moved that further consideration of the bill be postponed until after the prayer by the chaplain tomorrow.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 90, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency."

S. C. R. No. 82, relating to the establishing of Birth Registration Week.

House has concurred in Senate amendments to H. B. No. 519.

The House has granted the request of the Senate and returns H. B. No. 15 for further consideration.

Also that the House requested the Senate to return S. B. No. 136 for correction.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem Dudley, had referred, after its caption had been read, the following House bill:

H. B. No. 90, referred to the Committee on State Affairs.

Bills Signed.

The Chair, President Pro Tem R. M. Dudley, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 222.	H. B. No. 518.
S. B. No. 403.	H. B. No. 509.
S. B. No. 355.	H. B. No. 508.
S. B. No. 346.	H. B. No. 507.
S. C. R. No. 21.	H. B. No. 505.
S. B. No. 301.	H. B. No. 504.
H. B. No. 666.	H. B. No. 494.
S. C. R. No. 22.	H. B. No. 487.
H. B. No. 576.	H. B. No. 476.
H. B. No. 566.	H. B. No. 419.
H. B. No. 528.	H. B. No. 410.
H. B. No. 93.	H. B. No. 279.
H. B. No. 47.	H. C. R. No. 28.
H. B. No. 33.	H. B. No. 294.
H. B. No. 29.	

Recess.

On motion of Senator Darwin, the Senate at 4:55 p. m. recessed until 9 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 364 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 370 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 423 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 11 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 20 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 201 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 344 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 362 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 326 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 287

carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 166 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 403, and find the same correctly enrolled and have this day at 2:10 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 222, and find the same correctly enrolled and have this day at 2:10 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 355, and find the same correctly enrolled and have this day at 2:10 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 301, and find the same correctly enrolled and have this day at 2:10 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
S. B. No. 346, and find the same
correctly enrolled and have this day
at 2:10 o'clock p. m. presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
S. C. R. No. 21, and find the same
correctly enrolled and have this day
at 2:10 o'clock p. m. presented the
same to the Governor for his ap-
proval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Fi-
nance, to whom was referred

S. B. No. 427, A bill to be entitled
"An Act continuing the work of the
State Reclamation Engineer with the
defense and prosecution of suits af-
fecting the boundaries of the State
of Texas, authorizing the marking of
such boundaries, making an emer-
gency appropriation of ten thousand
dollars (\$10,000.00) therefor, and
declaring an emergency."

Have had the same under consid-
eration, and I am instructed by the
committee to report the same back
to the Senate with the recommenda-
tion that it do pass and be printed
only in the Journal.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 414, A bill to be entitled
"An Act to provide for prospecting
and developing, mining and marketing
natural oil and gas within and upon
lands owned by the State of Texas and
held in the name of the Board of Pris-
on Commissioners."

Have had the same under considera-
tion, and I am instructed to report the

same back to the Senate with the rec-
ommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Coun-
ties and County Boundaries, to whom
was referred

H. B. No. 502, A bill to be entitled
"An Act to authorize the commis-
sioners courts of Hudspeth and Culber-
son Counties, Texas, each to make con-
tracts not in excess of seventy-five
dollars per month for services to be
performed by the district attorney of
the Thirty-fourth Judicial District of
Texas."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the rec-
ommendation that it do pass and be
not printed, but be printed in the
Journal.

STRONG, Chairman.

Committee Room,
Austin, Texas, March 6, 1923
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Coun-
ties and County Boundaries, to whom
was referred

S. B. No. 339, A bill to be entitled
"An Act to increase the civil jurisdic-
tion of the county court of Hockley
County and the unorganized county of
Cochran; and declaring an emer-
gency."

Have had the same under considera-
tion, and I am instructed to report the
same back with the recommendation
that it do pass and be not printed, but
be printed in the Journal.

STRONG, Chairman.

Committee Room,
Austin, Texas, March 5, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was re-referred

H. B. No. 339, A bill to be entitled
"An Act making all fees of office,
other than those provided in Title 58
of the Revised Civil Statutes of 1911,
known as the "Fee Bill" ex-officio fees
of office, and provided said ex-officio
fees shall be in addition to the maxi-
mum salary for office holders now pro-
vided in said Title, and repealing all
laws in conflict herewith and declar-
ing an emergency."

Have again had the same under con-
sideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 404, A bill to be entitled "An Act to amend Article 1606, Chapter 5 of the Revised Civil Statutes of Texas of 1911, as amended by an Act approved February 24, 1905, by the Twenty-ninth Legislature, and as further amended by an Act approved July 25th, 1919, relating to the employment and salary of stenographers of courts of civil appeals, and fixing the salaries of stenographers of said courts, and declaring an emergency, and providing that the Act take effect from its passage and repealing all laws in conflict with the provisions of this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 86, A bill to be entitled "An Act amending Section 1, Chapter 120, page 313, being Senate Bill No. 13, General Laws of the Thirty-fifth Legislature of the State of Texas, and providing for the assistance by the county of any mother unable to properly provide for her children, under the age of 16 years, whose husband is either incarcerated in the State Asylum for the Insane, the State Penitentiary, or where she is compelled by divorce to have the entire care and custody of such children without assistance from their father, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on

Civil Jurisprudence, to whom was referred

H. B. No. 48, A bill to be entitled

"An Act to amend Article 6030 of Chapter 2, Title 98, of the Revised Civil Statutes of 1911, providing that all district attorneys, county judges, commissioners, and county attorneys, clerks of the district and county courts, and single clerks in counties where one clerk discharges the duties of district and county clerks, county treasurer, sheriff, county surveyor, assessor, collector, constable, cattle and hide inspector, justice of the peace and all other county officers now or here after existing by authority either by the judges of the district court for incompetency, official misconduct, or becoming intoxicated by drinking intoxicating liquors as a beverage, whether on duty or not; providing such officers may not be removed because of such intoxication when produced by drinking intoxicating liquor upon direction and prescription of a licensed practicing physician of this State; repealing Articles 6035, 6030, 6036, 6037, 6038 and 6039 of Chapter 2, Title 98 of the Revised Civil Statutes of 1911, and creating an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 353, A bill to be entitled "An Act to amend Article 4364, Revised Statutes of 1911, providing for the bond of the State Treasurer so as to provide for the making of such bond with a surety company and the payment of the expense incident thereto by the state; and to amend Article 4373, Revised Civil Statutes of 1911, providing for the appointment of a chief clerk and the giving a bond by him, and also providing for the appointment of other employes so as to provide for the appointment of the chief clerk, and the giving of a bond by him with a good and solvent surety com-

pany, and further to provide for the appointment of other employees and giving of bonds by each of them, and to require the state to pay the necessary expenses incident to the execution of said bond or bonds; and declaring an emergency."

Have again had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 588, A bill to be entitled "An Act amending Sections 1 and 5 of Chapter 31 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Second Called Session, entitled an Act amending and revising the metes and bounds of the Raymondville Independent School District (formerly in Cameron County but now in Willacy County); providing that all jurisdiction shall attach to officers of Willacy County instead of Cameron County; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 652, A bill to be entitled "An Act to create the Knox City Independent School District in Knox County, Texas, including the present Knox City District of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Knox City

district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, providing for the extension of the boundaries of said districts; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 660, A bill to be entitled "An Act creating and incorporating Lakeview Independent School District in Dawson County, Texas, out of territory now comprising the Lakeview Common School District No. 25, defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority, authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Lakeview Independent School District shall assume and discharge any and all bonds and other indebtedness constituting valid and binding obligations of said Lakeview Common School District No. 25 of Dawson County; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith, providing that invalidation by the courts of any section or provisions of this Act shall not invalidate any remaining provisions hereof, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 651, A bill to be entitled "An Act to create the Denson Independent School District in Williamson County, Texas, including the present Denson School District of said county, providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights and powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 644, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 643, A bill to be entitled "An Act creating the Brownsboro Independent School District in Henderson County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges, duties and liabilities now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; and declaring an emergency."

Have had same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, March 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 616, A bill to be entitled "An Act creating the Union Hill Independent School District in Swisher County, Texas, defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the election of its first board of trustees and their successors; providing for the appointment of a board of equalization and tax assessor and collector for said district; and declaring an emergency."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, March 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred H. B. No. 375, A bill to be entitled "An Act creating the Carbon Independent School District in Eastland County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the right, powers, privileges, duties and liabilities now conferred and imposed by the General Laws of Texas upon the independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

FORTIETH DAY.

(Continued.)

(Wednesday, March 7, 1923.)

The Senate met at 9 a. m. and was called to order by President Pro Tem R. M. Dudley.

Bills and Resolutions.

By Senator Wood:

S. B. No. 429, A bill to be entitled "An Act to amend an Act passed by the Thirtyfourth Legislature of Texas, at its Regular Session and approved February 18th, 1915, which Act was House Bill No. 177, Chapter 17, of the said session of the said Legislature, amending Sections 26, and 53, of Art. 30, of the Revised Civil Statutes of Texas, 1911; to reorganize the Twenty-sixth Judicial District of Texas; to abolish the criminal District Court of Travis and Williamson Counties; to create the Ninety-sixth Judicial District of Texas; to fix and define the jurisdiction of the Twenty-sixth, Fifty-third and Ninety-sixth Judicial Districts of Texas; to fix the time for holding of courts in each of the said judicial districts; to pro-

vide for the organization of grand juries in each of the courts held in the said judicial districts; to provide for a district attorney for the counties of Travis and Williamson; and fixing his compensation; to provide for the transfer of the causes pending on the docket of the said criminal district court in Williamson County to the Twenty-sixth Judicial District Court, and for the transfer of all cases on the docket of the said criminal district court in Travis County to the Fifty-third and Ninety-sixth Judicial District Courts; to provide for the election of a judge for the Ninety-sixth Judicial District Court; to provide for the appointment of court reporters for the Twenty-sixth, Fifty-third and Ninety-sixth Judicial Districts; to confirm and validate all writs, process, bonds, recognizance, judgments, orders of the said criminal district court, transferred hereunder, and the drawing of grand and petit juries in conformance with the changes herein made; to fix the time that this Act shall take effect; and to repeal all laws and parts of laws in conflict herewith.

Read first time and referred to Committee on Judicial Districts.

H. B. No. 361—Passage to Third Reading.

The Senate resumed consideration of H. B. No. 361 on its passage to third reading, which was under consideration when the Senate recessed yesterday afternoon, an amendment by Senator Murphy and a substitute therefor by Senator Ridgeway, pending.

On motion of Senator Burkett, the amendment and the substitute were tabled.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 361, page 6, line 22, by inserting \$4 in lieu of \$1.00; by striking out of line 23 the words "in excess of seven passengers"; by inserting the word "buss" between the words "motor" and "vehicle" in line 24; and by striking out the words "with a seating capacity of more than seven passengers" from lines 24 and 25.

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 361, page 4, line 4, after the word applicant by inserting the following: but no license